

## **REMARKS/ARGUMENTS**

### **I. Status of the Claims**

Claims 38-43 and 45 remain in this application. Applicants have amended claim 38 to recite that the sensory fragrance is comprised of an essential oil portion and an other odoriferous portion which is different from the essential oil portion and is selected from benzenoid materials, alcohol materials, ester materials, aldehyde materials, ketone materials and mixtures thereof. Support can be found in the specification at least at page 4, lines 19-21 and page 5, lines 4-6 and Example 1.

### **II. Claim Rejections – 35 U.S.C. § 103**

#### **A. *The Rejection Over US 6,268,333 In View of EP 978 274***

The Examiner has rejected claims 38-43 and 45 as allegedly unpatentable over U.S. Patent No. 6,268,333 ("Okazaki et al.") in view of EP Patent No. 978,273 ("Tanida et al."). Applicants respectfully traverse this rejection.

The Examiner relies upon Okazaki et al. as disclosing in column 1, lines 30-43 "that the combination of lavender and chamomile has been used in drinks, baths or as herbs for having a sedative effect and inducing sound sleep." Okazaki et al. also states that these "known components are natural essential oils used as general fragrance compounds which also contain compounds having no sedative effects. Also, since each of these components is used in the form of natural essential oil, its application is limited to the inherent fragrance compound of each natural essential oil, and seen if it has a sedative effect, it can cope with the taste and diversity preferences of the modern people only within a limited range." Accordingly, Okazaki et al. teaches away from the use of natural essential oils as providing a reliable sedative effect.

The Examiner also states that "[I]t is also disclosed a composition further comprising an odoriferous compound (sandalwood) in addition to the lavender and chamomile." Applicants fail to see this disclosure in Okazaki et al.

Finally, Okazaki et al. taken alone or in combination with Tanida et al. fail to teach or suggest Applicants claimed method of administering method of soothing a mammal comprising administering to said mammal a personal care composition which comprises from about 0.1% to about 10% by weight of a sensory fragrance, wherein the sensory fragrance is comprised of, based upon the total weight of the sensory fragrance, from about 0.1% to about 8% of an essential oil portion and from about 92% to about 99.9% of an other odoriferous portion, wherein the essential oil portion is comprised of, based upon the total weight of the sensory fragrance, from about 0.05% to about 5% chamomile and about 0.01% to about 30% lavender, wherein said other odoriferous portion is selected from benzenoid materials, alcohol materials, ester materials, aldehyde materials, ketone materials and mixtures thereof.

For all these reasons, Applicants respectfully submit that the rejection of claims 1-7 and 9-16 should be withdrawn.

***B. The Rejection Over HU 63559 ("Korbely et al.") in view of Tanida et al.***

Applicants respectfully traverse this rejection. The Examiner relies upon Korbely et al. as teaching "a cough paper handkerchief for soothing impregnated with a mixture of camphor, thymol, and oils of thyme pine needles, lavender, fennel, juniper and chamomile."

Neither Korbely et al. nor Tanida et al. taken alone or in combination teach or suggest Applicants claimed method of administering method of soothing a mammal comprising administering to said mammal a personal care composition which comprises from about 0.1% to about 10% by weight of a sensory fragrance, wherein the sensory fragrance is comprised of, based upon the total weight of the sensory fragrance, from about 0.1% to about 8% of an essential oil portion and from about 92% to about 99.9% of an odoriferous portion which is different from the essential oil portion, wherein the essential oil portion is comprised of, based upon the total weight of the sensory fragrance, from about 0.05% to about 5% chamomile and about 0.01% to about 30% lavender, wherein said other odoriferous portion is selected from benzenoid materials, alcohol materials, ester materials, aldehyde materials, ketone materials and mixtures thereof. Accordingly, Applicants respectfully request withdrawal of this rejection.

### **III. Conclusion**

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP530DIV1/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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